

REMARKS

Claims 1-8 are pending in the application.

Claims 1, 5, 7 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ellington, Jr. et al. (6,175,569) in view of Law et al. (6,330,602).

Claims 2-4 and 6 are rejected under 35 U.S.C. §103 as being unpatentable over Ellington, Jr. et al. (6,459,682).

Independent claims 1 and 8 have been herein amended to more clearly define the claimed invention over the prior art. The limitations added in amended claims 1 and 8 have antecedent support in Fig. 5 and page 15, line 19 to page 16, line 6 of the specification (statistical information managing means and step) and Figs. 6-7 and page 16, line 7 to page 17, line 23 of the specification (QoS setting means and step).

As set forth in claim 1 as amended, statistical information managing means manages statistical information being included traffic of two or more connections which may be established between LAN terminals. QoS setting means sets QoS for the two or more connections based on statistical information, the QoS being included information elements of a call connection request message.

Since QoS is previously set for two or more connections which may be established, based on the traffic of a LAN, a connection with an optimum QoS can be immediately established as a connection within an ATM network based on the traffic of the LAN varying all the time. This can realize efficient interwork control (see page 31, lines 12-19 of the applicant's specification).

The examiner admits that Ellington, Jr. et al. does not disclose the statistical information managing means or QoS (quality of service) setting means but states that Law et al. discloses these features.

The Law et al. disclosure teaches mapping QoS parameters based on load balancing criteria to choose a destination server with the least load.

However, Law et al. fails to teach or suggest that traffic of two or more connections which may be established between LAN terminals is managed as statistical information and information elements included in a call connection request message are set as QoS for the two or more connections based on the statistical information.

It is therefore respectfully submitted that independent claims 1 and 8 are patentably distinguishable over Ellington in view of Law et al., because neither of these references, even if taken in combination, suggest any hint that can lead to the present invention as claimed to a skilled artisan.

Elleson cited against claims 2-4 and 6 discloses detecting congestion within a network and an Edge Device alleviating the impact of congestion (col. 5, lines 55-65) as well as enabling optimum allocation of network resources and minimizing the need to provide excess capacity (col. 2, lines 38-41). It should be noted that claim 3 does not recite simply determining a transmission rate based on an average traffic volume. Claim 3 set forth determining whether a transmission rate is made constant or variable, by comparing an increased value obtained by adding α to an average traffic volume with a maximum traffic volume. Since α is a margin, a rate of service category can be determined as flexible in response to varying traffic.

Elleson just discloses a reduction of network congestion and fails to disclose or suggest the features of the present invention that, when service category is selected as QoS, a constant

transmission rate is selected as the service category if a maximum traffic volume is smaller than an augmented average traffic volume and a variable transmission rate is selected as the service category if the maximum traffic volume is greater than the augmented average traffic volume.

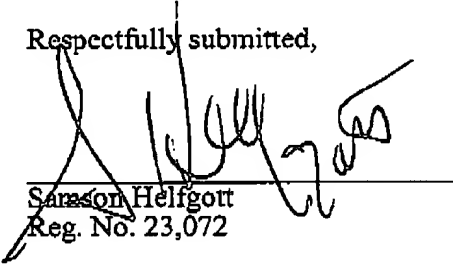
Elleson et al. fails to suggest the limitations of claim 1 from which claims 2-4 and 6 are dependent and which include all the limitations of claim 1.

In view of the foregoing it is respectfully submitted that claims 1-8 are patentably distinguishable over the prior art and these claims should be allowed.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Samuel Helfgott
Reg. No. 23,072

CUSTOMER NUMBER 026304
Telephone: (212) 940-8703
Fax: (212) 940-8986/8987
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